

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Rafiq Davis

13 6973

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

City of Philadelphia
Police Officer Frank Bonett
Police Officer Nicholas Cessna
Police Officer LaCorte
Police Officer Skrocki
Philadelphia Police Department

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

ID #

Current Institution

Address

Rafiq Davis
HY9350
SCI-Coal Township
1 Kelley Drive
Coal Township PA 17866

Defendant No.6 → Philadelphia Police Department
2201 Belmont Ave
Phila PA 19131

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Frank Bonett Shield # 9731
 Where Currently Employed 14th District
 Address 43rd W. Haines St
Phila PA 19144

Defendant No. 2 Name Nicholas Cessna Shield # 1231
 Where Currently Employed 14th District
 Address 43rd W. Haines St
Phila PA 19144

Defendant No. 3 Name LaCorte Shield # 3693
 Where Currently Employed 14th District
 Address 43rd W. Haines St
Phila PA 19144

Defendant No. 4 Name Skrocki Shield # 5030
 Where Currently Employed 14th District
 Address 43rd W. Haines St
Phila PA 19144

Defendant No. 5 Name City of Philadelphia Shield # _____
 Where Currently Employed City Hall
 Address Phila PA 19107

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? _____

B. Where in the institution did the events giving rise to your claim(s) occur? _____

C. What date and approximate time did the events giving rise to your claim(s) occur? 8-20-08

(Date of arrest), 3-13-09 (convicted Found Guilty Date), and 12-13-11 (conviction overturned Date Found not Guilty).

What happened to you?

D. Facts: On 8-20-08 I was arrested and accused of selling drugs and charged with two counts of Manuf/Del/Poss/W Int Manuf or Del and two counts of Int Poss Contr Subst By Per Not Reg; by the Philadelphia Police at the 14th District (Arrest officer Frank Bonett). All listed defendants (Frank Bonett, Nicholas Cessna, LaCort, and Skrocki) were involved with the arrest and all gave false testimony, falsified records and reports on trial date 3-13-09 which led me to be convicted and found guilty of charges and sentenced to serve five years probation. I immediately appealed and the conviction was later overturned on 12-13-11, where Officers (All listed Defence) gave false testimony to the courts again, and I was found not guilty. All listed defendants gave ~~Four~~ different stories on account of what they alleged happened on (8-20-08) the date of my arrest on four different occasions (8-20-08, 8-28-08, 3-13-09, and 12-13-11). Also, because of all listed defendants falsely arresting me, falsifying records and reports, and giving false testimony, I was forced to be incarcerated and a pre-trial detainee at Curran-Fromhold Correctional Facility (CFCF) I became a victim of Prison Guard Brutality. I bring this action for damages against all listed defendants under the Eighth, thirteenth, and Fourteenth Amendment to the United States Constitution demanding a trial by jury and complaining and alleging the above matters. Upon information and belief all listed defendants have prior histories and numerous complaints about unlawful acts as well as the Philadelphia Police Force in general especially the 14th District and 35th District. I was wrongfully convicted just to receive the extra ~~penal~~ Felony so I would receive a longer sentence on a prior charge.

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Forced to see the Parole Board after my minimum set date due to that case still being open on appeal which led me to receive a parole hit well after the time I would of originally got the parole hit which caused me to stay in jail and do extra time on the parole hit than I originally would have. Wrong was done by Defendants falsely charging me with a crime I did not commit forcing me to be incarcerated as a pre-trial detainee and wrongfully convicted. I was declined early release from prison only because I had them charges pending in the courts on appeal as well (Pre-Release). Also, due to wrongful conviction I received a Violation of Probation on 3-13-09. My Family wants nothing to do with me since I was falsely arrested and accused on 8-20-08.
• see ATTACHMENT NEXT PAGE

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a

Also due to wrongful conviction on 3-13-09 which gave me an extra point on my criminal point system sheet on my criminal history. For sentencing in the future, I received a longer sentence on a prior charge (3-20-09) then I would have if I wasn't wrongfully convicted, to receive that point on 3-13-09. My Cousin was killed in October 2008 and I was unable to attend his funeral due to wrongful arrest. I also lost my engagement to my fiancée due to arrest and wrongful conviction.

prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☒

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

C.F.C.F. + SCI - Coal Township

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☐ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☐

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: Matters have to deal with the Philadelphia Police at the 14th District and the City of Philadelphia Police Department.
2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: I contacted the District Attorney Office via mail to file a complaint and they (the DA office) contacted me back via mail on October 4, 2013 and informed me that I have to file the complaint in person but I was unable to do so being as though that I've been incarcerated since that arrest date (8-20-08).

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. See above

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount): \$10 million in monetary damages for wrongful conviction, false arrest, falsifying records and reports, giving false testimony, malicious prosecution; ~~_____~~

~~False~~ False imprisonment, Framing me for a crime I did not commit, unlawful arrest, cruel and unusual punishment, restraining Liberty. Also seeks recovery of costs in this suit and any additional relief this court deems just, proper, and equitable. Wrongful arrest. Cruel and unusual treatment. Conspiracy to Deprive me of my Constitutional Right. Racially Profiled. Pain and Suffering.
Punitive Damages

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ☒

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

On
these
claims

4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit _____
6. Is the case still pending? Yes _____ No _____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

C. Have you filed other lawsuits in state or federal court?

Yes ☒ No _____

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Rafiq Davis

Defendants Correctional Officer Troy Brown and Correctional Officer Mary Miles

2. Court (if federal court, name the district; if state court, name the county) Eastern
3. Docket or Index number 2:09-cv-04442
4. Name of Judge assigned to your case Mitchell S. Goldberg
5. Approximate date of filing lawsuit Sometime in 2009
6. Is the case still pending? Yes _____ No ☒
If NO, give the approximate date of disposition May 4, 2012
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) Settlement

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19th day of November, 2013.

Signature of Plaintiff

Rafiq Davis

Inmate Number

HY9350

Institution Address 1 Kelley Drive
Coaltownship PA 17866

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 19th day of November, 20 13, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: 